

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CATHY McCLEAVE,
Plaintiff,

v.

COMMISSIONER of SOCIAL SECURITY,
Defendant.

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: CIVIL ACTION
:
: NO. 08-1673
:
:
:
:

Order

YOHN, J.

AND NOW, this 28th day of October, 2009, upon consideration of plaintiff Cathy McCleave's Request for Review, the Commissioner's Response to Request for Review, and plaintiff's Reply thereto, and after careful and independent review of the magistrate judge's Report and Recommendation and plaintiff's objections thereto, and the Commissioner's response to objections, it is hereby **ORDERED** that:

1. Plaintiff's objections are **SUSTAINED** in part and **DENIED** in part.
2. The conclusions in the Report and Recommendation of the United States Magistrate Judge are **APPROVED** and **ADOPTED** in part and **DENIED** in part.
3. Judgment is entered modifying the decision of the Commissioner and the matter is **REMANDED** to the Commissioner of the Social Security Administration to allow the Administrative Law Judge ("ALJ") to conduct further proceedings consistent with the accompanying memorandum.

/s/ William H. Yohn Jr.
William H. Yohn Jr., Judge